



980 Ninth Street, Suite 1900
Sacramento, California 95814
main 916.447.0700
fax 916.447.4781
www.stoel.com

July 17, 2009

JOHN A. MCKINSEY
Direct (916) 319-4746
jamckinsey@stoel.com

VIA HAND DELIVERY & EMAIL

The Honorable James D. Boyd
The Honorable Karen Douglas
Siting Project Committee
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

DOCKET

07-AFC-6

DATE JUL 17 2009

RECD. JUL 20 2009

**Re: Carlsbad Energy Center Project (07-AFC-6)
Status Report - July 2009**

Dear Commissioners:

The Committee's May 11, 2009 Revised Scheduling Order requires all parties to continue to submit Status Reports "every six weeks...until [the Final Staff Assessment has been] filed." To that end, Carlsbad Energy Center LLC ("Applicant") submits this Status Report for the Carlsbad Energy Center Project (the "Project").

STATUS SUMMARY

Applicant continues to await the San Diego Air Pollution Control District's ("SDAPCD") publication of the Project's Final Determination of Compliance ("FDOC"), as well as the California Energy Commission ("CEC") Staff to issue its Final Staff Assessment ("FSA") shortly after the issuance of the FDOC. Furthermore, Applicant understands CEC Staff may facilitate a FSA workshop in the Carlsbad area soon after publication of the FSA.

CURRENT ISSUES AND ACTIVITIES

Final Determination of Compliance

Applicant continues to work with SDAPCD to ensure it has all the information necessary for completion and publication of the Project's FDOC. Applicant recently responded to SDAPCD's request for clarification of annual emission inventory data, including fuel use data and additional vendor (*i.e.*, Siemens) combustion turbine performance data. At this time, it is Applicant's understanding that SDAPCD has all information necessary to publish the FDOC. As such, Applicant anticipates publication of the FDOC within the next week or two.



The Honorable James D. Boyd
July 17, 2009
Page 2

Final Staff Assessment

Applicant understands that publication of the FSA should occur within approximately two weeks of SDAPCD's publication of the FDOC. To that end, Applicant estimates CEC Staff will issue the FSA within a couple weeks after publication of the FDOC later this month.

Power of Vision's Data Request and Petition to Compel Response

On June 1, 2009, Applicant was served with a May 27, 2009 data request from intervenor Power of Vision ("POV"), requesting that "original documents wherein the applicant records hourly data on Encina Power Station units 1 – 5...be made available for inspection and possible copying..." Pursuant to Title 20 California Code of Regulations, section 1716, Applicant timely objected to POV's data request on June 19, 2009, and in that same correspondence provided explanation and clarification of certain emissions data related to operations of the Encina Power Station.

On June 29, 2009, after receipt of Applicant's objection and response to POV's data request, POV filed a Petition to Compel Response ("Petition") seeking to compel Applicant to provide the information POV sought in its May 27, 2009 data request. On July 14, 2009, Applicant filed an Opposition to POV's petition ("Opposition"), challenging POV's Petition on various grounds, including, but not limited to, the untimeliness of the request, lack of good cause for the request, as well as the fact that the request is outside the scope of this proceeding and that the request is unduly burdensome. Applicant awaits the Committee's further instructions and/or decision related to the Petition and Opposition.

CONCLUSION

As always, Applicant is committed to providing, to the extent feasible, information that may assist CEC Staff with moving toward the publication of the FSA. Applicant looks forward to the forthcoming evidentiary hearing schedule.

Respectfully submitted,

John A. McKinsey

JAM:kjh

cc: See Attached Proof of Service List

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
FOR THE CARLSBAD ENERGY
CENTER PROJECT**

**Docket No. 07-AFC-6
PROOF OF SERVICE
(Revised 7/07/2009)**

**Carlsbad Energy Center LLC's
Opposition to Power of Vision's Petition to Compel Responses to Data Requests**

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-6
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

David Lloyd
Carlsbad Energy Center, LLC
1817 Aston Avenue, Suite 104
Carlsbad, CA 92008
David.Lloyd@nrgenergy.com

George L. Piantka, PE
Carlsbad Energy Center LLC
1817 Aston Avenue, Suite 104
Carlsbad, CA 92008
george.piantka@nrgenergy.com

APPLICANT'S CONSULTANTS

Robert Mason, Project Manager
CH2M Hill, Inc.
6 Hutton Centre Drive, Ste. 700
Santa Ana, CA 92707
Robert.Mason@ch2m.com

Megan Sebra
CH2M Hill, Inc.
2485 Natomas Park Drive, Ste. 600
Sacramento, CA 95833
Megan.Sebra@ch2m.com

COUNSEL FOR APPLICANT

John A. McKinsey
Stoel Rives LLP
980 Ninth Street, Ste. 1900
Sacramento, CA 95814
jamckinsey@stoel.com

INTERESTED AGENCIES

California ISO
P.O. Box 639014
Folsom, CA 95763-9014
(e-mail preferred) e-recipient@caiso.com

INTERVENORS

City of Carlsbad
Allan J. Thompson
Attorney for City
21 "C" Orinda Way #314
Orinda, CA 94563
allanori@comcast.net

City of Carlsbad
Joseph Garuba, Municipals Project Manager
Ron Ball, Esq., City Attorney
1200 Carlsbad Village Drive
Carlsbad, CA 92008 (e-mail preferred)
Joe.Garuba@carlsbadca.gov;
Ron.Ball@carlsbadca.gov

Terramar Association
Kerry Siekmann & Catherine Millr
5239 El Arbol
Carlsbad, CA 92008
siekmann1@att.net

California Unions for Reliable Energy ("CURE")
Gloria D. Smith & Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
gsmith@adamsbroadwell.com

INTERVENORS

Center for Biological Diversity
c/o William B. Rostove
EARTHJUSTICE
426 17th St., 5th Floor
Oakland, CA 94612
wrostov@earthjustice.org

Power of Vision
Julie Baker and Arnold Roe, Ph.D.
P.O. Box 131302
Carlsbad, CA 92013
powerofvision@roadrunner.com

Rob Simpson
Environmental Consultant
27126 Grandview Avenue
Hayward, CA 94542
rob@redwoodrob.com

ENERGY COMMISSION

JAMES D. BOYD
Vice Chair and Presiding Member
jboyd@energy.state.ca.us

KAREN DOUGLAS
Commissioner and Associate Member
kldougla@energy.state.ca.us

Paul Kramer
Hearing Office
pkramer@energy.state.ca.us

Mike Monasmith
Siting Project Manager
mmonasmi@energy.state.ca.us

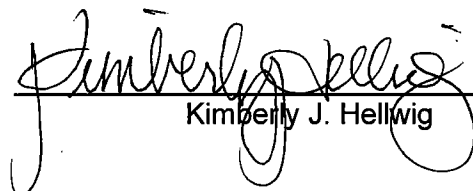
Dick Ratliff
Staff Counsel
dratliff@energy.state.ca.us

Elena Miller
Public Adviser's Office
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Kimberly J. Hellwig, declare that on July 17, 2009, I transmitted **Applicant's July 2009 Status Report** via electronic mail consistent with the requirements of California Code of Regulations, Title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.



Kimberly J. Hellwig